

Bay Delta Conservation Plan (BDCP)

Steering Committee Meeting

June 1, 2007, 9:00 a.m. to 12:00 p.m.

Resources Agency Bldg., Room 1131

Draft Meeting Notes

Associated documents/handouts

- Agenda
- 5/18/07 Steering Committee Meeting Notes Draft
- Descriptions of Potential Conservation Strategy Options (working draft)
- Draft Figure 1: Potential Habitat Restoration Opportunities
- Draft Figure 2: Conservation Strategy Option 1
- Draft Figure 3: Conservation Strategy Option 2
- Draft Figure 4: Conservation Strategy Option 3
- Draft Figure 5: Conservation Strategy Option 4
- Draft Recommendations from Science Workgroup on Range of Expertise for Science Advisors
- List of Potential BDCP Science Advisors (hard copy only, not for circulation)
- Draft Proposed Science Advisory Process (hard copy only, provided by Bruce DiGennaro)

Action Items and Key Decisions

- Denise Reed is approved as lead scientist for BDCP
- Bruce DiGennaro and Wayne Spencer will serve BDCP as science co-facilitators
- SC members will disclose fiscal relationships with potential science advisors by contacting Cindy Darling with that information by 6/8
- SC members will provide comments on the draft science advisory process guidance document to K. Scarborough by 6/8.
- SC members will send initial science questions to Cindy Darling as soon as possible. She will compile them into a document for review at the 6/15 meeting.
- CS Workgroup process for developing CS options was approved by SC; by the end of June they will finalize the four CS options, and will develop an analytical approach to evaluation of the options. The evaluation is to be completed this summer.

Updates

Delta Vision and Blue Ribbon Task Force

K. Scarborough represented BDCP at recent Blue Ribbon Task Force meetings to update their members on BDCP process and goals, and clarify our relationship with the other Delta planning processes (e.g., DRMS). BDCP will provide similar presentation to the Delta Vision Stakeholder Group on 6/7.

Delta Risk Management Strategy (DRMS)

BDCP has recently begun coordinating with DRMS. BDCP will provide the current list of CS Options to their Steering Committee on 6/5; their consultants will include some of those options in their upcoming Phase 2 Risk Analysis.

Public Outreach Workgroup

Members of the SC agreed at the 5/18 SC meeting that Carl Wilcox and Karla Nemeth will chair a Public Outreach Workgroup. There is an increasing need to clarify the BDCP goals and process for the public and for participants in other Delta planning processes.

Membership Workgroup

At the 5/18 meeting two applications were received. Since then, a small group of Workgroup members interviewed representatives of the organizations, Contra Costa Water District, and the Bay Institute. The Workgroup will request follow-up interviews with applicants in the coming week. Workgroup members voiced concern that the SC is already near its maximum size for effectiveness.

Meeting notes review

5/18 Meeting Notes: Page 1, Updates bullet 1. Change to "...expects to submit a Biological Assessment by Fall of 2007."

Future SC notes will include attendee lists.

Science Workgroup

Independent science process

The Science Workgroup, with input from numerous staff scientists from SC member agencies and organizations, developed a list of scientific expertise categories for the Science Advisors panel. They are divided into essential and preferable expertise types. They will likely recommend an eight-member science advisory group. A group larger than 8 may be too large for effectiveness.

SC members are asked to disclose fiscal relationships with potential science advisors listed in the handout. Duration, timing, and extent/type of fiscal relationship should be sent to Cindy Darling by 6/8. See also Action Items and Key Decisions

Prof. Denise Reed, University of New Orleans, was accepted by SC as lead scientist. She has expertise in tidal aquatics and geomorphology and has worked in the Bay Delta on DRERIP. See also Action Items and Key Decisions.

Bruce DiGennaro and Wayne Spencer will serve BDCP as science co-facilitators, working with Denise Reed and other scientists that will be appointed. The facilitators have experience in HCP/NCCP's and in the Bay Delta. They provided a handout (hardcopy) describing their suggestions for a process and timeline for BDCP to select advisors and produce an independent science report. They will send out a list of example

science questions to help SC members form questions for BDCP science advisors. (Note: examples are available on DFG website, as well). See also Action Items and Key Decisions.

At the meeting, B. DiGennaro and W. Spencer presented their proposed process and timeline to the SC. The independent science process is necessary to comply with federal and state ESA's and NCCPA, and it improves the chances of technical success and credibility of the Conservation Plan with the public and stakeholders. B. DiGennaro stated that the role of the independent science body is to provide input, not to comment on goals or outcomes, or to make determinations. Fishery agencies have the final say on whether the proposed plan meets legal requirements. The role of the facilitators is as neutral intermediary between the SC and the science advisors to ensure independence and integrity of the process.

Proposed timeline is as follows:

- June 2007
 - Assemble lists of names of potential advisors, work to a short list, call and contract those scientists.
 - Develop primary issues/questions that science advisors will need to address. B. DiGennaro, W. Spencer will work with scientists and BDCP members on reserve design, science principles, and will design the detailed workplan with the SC and consultants.
- Fall 2007
 - Initial engagement of scientists, which typically consists of a 1-3 day workshop.
 - Guidance report development based on outcome of workshop and comments from SC.
- 2008
 - Possible additional workshops to develop monitoring programs or meet other science needs of the BDCP

Discussion and question/answer with the facilitators followed their presentation. Members want to be sure that the tight BDCP schedule allows for sufficient time to deliberate on the science questions, process, and results; K. Scarborough agreed to make that a long agenda item on 6/15 meeting.

Regulatory Compliance and OCP Remediation

Presentation by Jerry Johns, representing DWR, and John McCamman, representing DFG, to educate SC members and contextualize BDCP activities relative to lawsuits, Delta Vision and other relevant Delta planning processes.

Alameda County Superior Court case: DWR appealed the April 18 decision and initially requested a Consistency Determination (CD) on the federal Biological Opinion (BO). The BO was found to be flawed, so DWR withdrew the request for CD. They are putting their efforts into OCAP and getting a new BO issued. They are working closely with

state and federal agencies on the preparation of a Biological Assessment. A Memorandum of Understanding (MOU) is guiding the OCAP consultation process, Environmental Water Account (EWA), and development of take models and mitigation strategies, and has very aggressive timeline for producing resolutions. BDCP is the long-term solution for Delta ESA compliance.

On 5/31 the State Water Project pumps entrained Delta smelt for the first time since April 2006 and, because population levels this year are lower than any previous year, DWR shut off the pumps for seven days while they evaluate next steps to protect fish. Only South Bay contractors are being served via SWP, all other contracts are being served by storage water via San Luis canal during the shut-down. Pesticides and other toxics have been identified as a problem this year, but DWR has not yet been able to pinpoint their sources.

The Federal pumps are running but at the lowest possible level; they do not have storage water as backup and need to continue to provide water of human health and safety purposes.

SC members expressed concern that the urgency of the OCAP process and fish-protection measures could impact the ability for BDCP to maintain adequate staffing and priority. Members are also cognizant that the openness and candor of BDCP discussions could be affected by external legal processes. K. Scarborough will direct legal counsel to try to find solutions to ensure BDCP process is not jeopardized.

Conservation Strategy (CS) Workgroup

The CS Workgroup has continued to meet as a whole and in small working groups, and has developed a set of four CS options. The operations and analysis process that will be applied to the options have not been finalized, but the CS Workgroup is requesting approval from the SC to continue its process.

P. Cylinder presented the current proposed options. A written description of the four proposed CS options and five map graphics were provided to the SC as handouts. The current proposed options are very similar to those presented at the 5/18 meeting, with greater detail on associated restoration measures.

- Option 1: Existing conveyance and system without physical change to conveyance facilities.
- Option 2: Improvements to conveyance in Old and Middle Rivers and separation of San Joaquin corridor from through-delta conveyance.
- Option 3: Dual conveyance, in which existing conveyance would still be operational and an isolated facility from the Sacramento River to the south Delta would be constructed.
- Option 4. Isolated conveyance facility from the Sacramento River to the south Delta.

Discussion

The SC approved the direction of the CS Workgroup and the CS Options, with the assumption that the water operations will be described in greater detail prior to comparative benefits evaluation. Members discussed in depth analytical approaches to the comparative evaluation of the options. Members expressed the importance of having the options be comparable to each other (“apples to apples”). Some PRE members recommended that evaluation be completed based on all options meeting export demands from the Delta. NGO members suggested that, because this is a conservation plan, needs of the fish should be held constant and the various conservation strategy options be compared against those needs. P. Cylinder suggested that both could be done (i.e., model twice with export reliability curve and fish conservation approach assessed separately), and noted that this evaluation is conservation-benefits-oriented, but needs to be constrained in order for the evaluations to be consistent across the options.

The current list of options will be sent to DRMS on Monday 6/5 for inclusion in their risk analysis. A proposal for the process of comparative benefits evaluation of the options, to be coordinated by SAIC under the direction of the SC and CS workgroup, will be submitted to the SC for the 6/29 meeting.

Members noted that participation of the State Water Resources Control Board would be beneficial since water quality of the Delta could be significantly affected by the proposed BDCP conservation strategy options.

Public Comment

No public comments made today.

Next meeting

6/15 same time and location

Attendees

Representatives of participating entities

Karen Scarborough (Chair, Resources Agency)

Frank Michny (USBR)

John Engbring (USFWS)

Brent Waltham (Kern County Water District)

Paul Wenger (California Farm Bureau Federation)

Ted Meyers (NMFS)

John McCammen (DFG)

Kim Delfino (Defenders of Wildlife)

Anthony Saracino (The Nature Conservancy)

Ann Hayden (Environmental Defense)

Richard Roos-Collins (Natural Heritage Institute, American Rivers)

Jerry Johns (DWR)

Walt Wadlow (Santa Clara Valley Water District)

Jeffrey Russell (Mirant Energy)

Laura Simonek (Metropolitan Water District of Southern California)

Dale Myers (Zone 7 Water Agency)
Tom Birmingham (Westlands Water District)
Cindy Darling (Resources Agency)
Marc Ebbin (Resources Agency, DWR)
Paul Cylinder (SAIC)

By phone

Doug Wallace
Will Stelle
Wayne Spencer

Additional (from sign-in sheet)

Bruce DiGennaro
Jenna O'Neill
Delores Brown
Justin Frederickson
M. Morrow
C. Crotkins
Rhonda Reed
Gary Bobker
Glenn Farral
Ken Bogdan
Michelle Matthews
Peter Kiel
Jamie Roberts
Russell Ryan
Walt Ward
Cathy Crothers
Casey Walsh Cady
David Briggs
Tracy Ligon
Pete Rhoads
Scott Cantrell
Jakli McDonald
Dave Zezulak